

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**PRETRIAL ORDER**  
15-CR-149-A

FRANK R. PARLATO, JR. and  
CHITRA SELVARAJ,

Defendants.

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Jury selection for this matter is scheduled for **Tuesday, September 13, 2022**, at 9:30 a.m. Trial will begin after jury selection and continue from day-to-day until completed. A final pretrial conference is scheduled for Thursday, September 8, 2022 at 2:00 p.m.

**On or before September 1, 2022**, counsel for the government and the defendants are to provide the Court with two sets of the required submissions listed below. One set of the required submissions should be filed electronically with the Clerk's Office and the other should be brought directly to the Court's chambers. Each submission should be filed under separate cover.

**JURY INSTRUCTIONS:** The government and the defendants must supply copies of their requested charges on the substantive issues. (Each party should also include a computer disk containing the charge with the set of submissions sent to chambers.) Each charge is to be on a separate sheet of paper, in standard form, and contain citations to the authority for the charge. The proposed charges shall be taken from L. Sand, *et al.*, Modern Federal Jury Instructions , unless a suitable charge is not included in Sand. In that case, the parties may submit an alternative charge, as long as it is supported by legal authority. The charges are to be presented in a logical sequence, and this submission should include an index to the charges.

The Court will use the parties' proposed charges to help formulate its own charge. If counsel fails timely to submit a proposed charge, that charge may not be considered by the Court.

Even if a proposed verdict form is quoted in proposed charges, the parties shall submit a proposed verdict form or a joint proposed verdict form.

**PRETRIAL BRIEFS AND OTHER MEMORANDA:** The government shall submit a memorandum of law outlining the facts and legal arguments to be made. The defendants may also file a memorandum either in response to the government's submission or concerning their own issues. The memorandum

shall include any issues that the Court should consider in order to expedite the trial, as well as any unusual or recurring issues, including all foreseeable evidentiary issues, that may arise at trial. To the extent a party reasonably expects to offer an exhibit into evidence, or to ask a question during cross-examination, that is reasonably likely to require a cautionary instruction, a proposed cautionary instruction should be included as part of this submission.

A party making a motion *in limine* to admit or exclude evidence, or to authorize or preclude questioning or argument, shall file such a motion along with legal authority, separate from its memorandum of law, but also by the September 1, 2022 date for pretrial submissions.

**EXHIBITS:** Each party shall submit a list of exhibits it anticipates using at trial. The exhibits must be **pre-marked by number only** and any sub-exhibits should be pre-marked alphabetically.

The parties shall use the Court's form, copy of which is attached, in preparing the exhibit list. Failure to list an exhibit may result in preclusion of that exhibit at trial. Common exhibits should be included only on the government's exhibit list unless otherwise ordered by the Court.

Two copies of each documentary exhibit shall be provided to the Court at the pretrial conference. Each set of copies shall be "tabbed" for reference and bound in a three-ring binder or in a similar fashion.

**VOIR DIRE:** Each party may submit up to **ten** proposed voir dire questions relating to any questions of law or fact that will be relevant to issues to be tried. Additional questions will be considered only upon a showing of good cause. The Court will conduct the voir dire.

**WITNESS LIST:** Each party must submit the names and addresses (identifying town and state only) of all prospective witnesses and a brief summary of their anticipated testimony, including the anticipated date and length of testimony in hours and minutes. Care should be taken in preparing the summaries and estimates. The Court relies upon the summaries to prepare for evidentiary issues that may arise and to assess when breaks can be taken. The Court relies upon the estimates of the duration of witness' testimony to help decide when to take breaks during the trial. If the summaries or estimates of the duration of testimony prove inadequate to allow for orderly conduct of the trial, counsel will be ordered to revise them. The list of witnesses must include rebuttal witnesses, but their anticipated testimony need not be summarized.

Failure to meet these requirements with respect to any witness may result in preclusion of testimony by that witness.

**EXPERT TESTIMONY:** The identity, addresses (identifying town and state only), and a brief summary of the qualifications and testimony of all expert witnesses are to be supplied to the Court. Counsel may enter into a written stipulation prior to the final pretrial conference setting forth the qualifications of each expert witness. Failure to include an expert witness on the expert witness list may result in preclusion of testimony by that witness. If any proposed expert witness will also offer lay testimony as a fact witness, the party calling the witness shall include a proposed limiting instruction to prevent confusion on the part of the jury.

**SUMMARY OF CHARGES:** Each party shall submit proposed summaries of the charges in the Superseding Indictment. These summaries may be used by the Court in lieu of reading the entire Superseding Indictment during jury selection and in the preliminary instructions to the jury. The government shall also submit a proposed redacted Superseding Indictment with its summary.

**STIPULATIONS:** The parties are encouraged to enter into proposed stipulations of law or fact. Stipulations reached before the final pretrial conference on September 8, 2022, shall be submitted to the Court during that conference.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HON. RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: July 27, 2022

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

## EXHIBIT LIST

Case No. \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ Government

\_\_\_\_\_ Defendant

[illegible]

